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FILED

APR 11 2022

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA *lv*

Debtor

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re:

MICHAEL HAROUTUN MIROYAN

Debtor.

6 w
} **Case Number: 18-52601-MEH**
} Chapter 13
} NOTICE OF MOTION AND MOTION
} AGAINST ATTORNEY KARYN DOI
} AND GANG CHEN FOR VIOLATIONS
} OF AUTOMATIC STAY [18 USC §
} 362(k)]; DECLARATION OF MICHAEL
} MIROYAN; MEMORANDUM OF
} POINTS & AUTHORITIES;
} [PROPOSED] ORDER; CERTIFICATE
} OF SERVICE

} Date: _____

} Time: _____

} Judge: Hon. Elaine Hammond

PLEASE TAKE NOTICE that Debtor Michael Miroyan on the Date and Time noted above shall move this Court for an Order against Attorney Karyn Doi and her client Gang Chen awarding actual damages and punitive damages in the amount of \$300,000 and attorney's fees incurred for bringing this Motion according to proof.

Debtor Michael Miroyan seeks these damages against lawyer Karyn Doi, and her client Gang Chen for intentionally violating the automatic stay in this case that came into effect upon Miroyan's filing of his Chapter 13 Bankruptcy Petition in this Court on 11-26-2018. On 12-20-2018, in companion case Kai v. Hawaiian Riverbend, LLC, a civil case also presided over by Judge Kim, a Notice of Bankruptcy Filing was filed. Also

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2 on 12-20-2018, Gang Chen, through his attorney Karyn Doi filed papers
3 seeking Summary Judgment in Hawaii's Third Circuit Court in Case
4 Number 16-1-00043K, which was set for hearing and granted by Judge
5 Robert D.S. Kim of Hawaii's Third Circuit Court Division 3 located in Kona,
6 Hawaii on 3-8-2019. A 97 page Motion seeking Disqualification/Recusal is
7 now set for hearing on ⁵⁻⁴~~3-16~~-2022 at 8:30 a.m. before Judge Nakamoto in
8 the Third Circuit Court of the State of Hawaii - Division 2, located on the big
9 Island of Hawaii in Hilo, Hawaii.

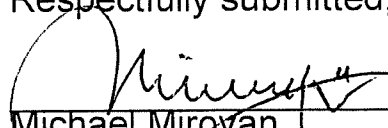
10 As a result, since both the filing of the Summary Judgment motion
11 papers by Attorney Karyn Doi on 12-20-2018 and Judge Kim's grant of
12 Summary Judgment in favor of Plaintiff Gang Chen on 3-8-2019 in the
13 Chen civil case were done in violation of the Automatic Stay, the Order
14 granting Summary Judgment is Void.

15 Debtor therefore seeks a Declaratory Judgment issued by this Court
16 declaring that Judge Robert D.S, Kim's 3-8-2019 Summary Judgment
17 Order in favor of Plaintiff Gang Chen is Void, is a legal nullity and is of no
18 force and effect.

19 This Motion is based upon this Notice, the supporting Declaration of
20 Michael Miroyan with Exhibits, the Memorandum of Points and Authorities
21 in support of this Motion, a [Proposed] Order for the Court, a Certificate of
22 Service any any oral argument made at the hearing.

23 ^{11 April}
24 Dated: ~~February 14th~~ 2022.

Respectfully submitted,

25 
26 Michael Miroyan
27 Debtor
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